



City of Harrisburg

City Government Center
10 North Second Street, Suite 402
Harrisburg, PA 17101
Phone: (717) 255-3065
Facsimile: (717) 255-3056

Right-To-Know Response

May 21, 2021

Via email to lsapp@mceldrewyong.com

Mark V. Maguire, Esq.
McEldrew Young Purtell Merritt
123 South Broad Street, Suite 2250
Philadelphia, PA 19101

Dear Mr. Maguire:

Thank you for writing to the City of Harrisburg with your request for records pursuant to Pennsylvania's Right-To-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*

In your request of April 13, 2021, you requested records pertaining to settlement agreements, crime statistics, training reviews, disciplinary files, and training materials.

Your request is GRANTED in part and DENIED in part. Your first requests for documents pertaining to settlement agreements from the past ten (10) years is GRANTED to extent that you are requesting documents from the City of Harrisburg; the City cannot provide records on behalf of Dauphin County. The responsive records are attached.

Your second request for statistics relating to overturned convictions/false arrests within the past ten (10) years is DENIED pursuant to section 705 of the RTKL:

Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Your third request for documents related to review of training, policies, and directives is DENIED pursuant to section 705 of the RTKL:

Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Your fourth request for the disciplinary file of former Detective David Lau is DENIED pursuant to the following section of the RTKL:

Section 708(b)(7)(viii): Information regarding discipline, demotion or discharge contained in a personnel file.

Your fifth request concerning the production of investigative reports, commissioner memorandums and executive summaries related to investigations into Due Process violations and evidence suppression are DENIED pursuant to the following section of the RTKL:

Section 901: An agency shall make a good faith effort to determine whether the agency has possession, custody or control of the identified record.

Based on a thorough examination of records in possession, custody and control of the City of Harrisburg, the records you requested do not exist.

Your sixth request is GRANTED in PART and DENIED in part. Records pertaining to mandatory training policies are attached. Additional responsive records are available at the following website: <https://public.powerdms.com/harrisburgbp/tree>. The remaining components of your sixth request are DENIED for the following reasons:

Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Section 708(b)(2): A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

Section 901: An agency shall make a good faith effort to determine whether the agency has possession, custody or control of the identified record.

Based on a thorough examination of records in possession, custody and control of the City of Harrisburg, the records you requested do not exist.

Your seventh request for training materials related to implicit bias and the prevention of misconduct are DENIED pursuant to the following section of the RTKL. Additional responsive records are available at the following website: <https://public.powerdms.com/harrisburgbp/tree>

Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Section 901: An agency shall make a good faith effort to determine whether the agency has possession, custody or control of the identified record.

Based on a thorough examination of records in possession, custody and control of the City of Harrisburg, the records you requested do not exist.

You have a right to appeal in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, <https://www.openrecords.pa.gov>. If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

Sincerely,

/s/ Niels M. Davidson

Niels M. Davidson
RTK Officer & Legal Assistant